UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

)	CHAPTER 13
)	CASE NO.: 20-10801-ELF
and Debtors)))	C.ISE 1.0 20 10001 EE1
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N.A.,	)	<b>HEARING DATE:</b>
Movant	)	Tuesday, September 21, 2021
	)	9:30 A.M.
	) ) )	
Respondent(s)	)	
1 ()	)	LOCATION:
	)	United States Bankruptcy Court 900
	)	Market Street
Trustee	)	Courtroom No. 1
	)	Philadelphia, PA 19107
	Debtors  S,  N.A.,  Movant  Respondent(s)	Debtors )  N.A., )  Movant )  Respondent(s) )

## MOTION FOR RELIEF FROM AUTOMATIC STAY

AND NOW, comes the above-captioned Movant, Capital One Auto Finance, a division of Capital One, N.A., by and through their attorney, Jason Brett Schwartz, Esquire, who files this Motion based upon the following:

- 1. The Movant is a corporation having a principal place of business located at 7933 Preston Road, Plano, TX 75024.
- 2. The Respondents, Beverly J Novotny and Richard G Novotny are an individual with a mailing address at 106 Willowoak Court, Warminster, PA 18974, who have filed a Petition under Chapter 13 of the Bankruptcy Code.
- 3. On or about August 05, 2019, Debtors Beverly J Novotny and Richard G Novotny entered into a Loan and Security Agreement, involving a loan in the amount of \$27,408.05 for the refinance of a loan secured by the vehicle of a 2015 CADILLAC SRX Utility 4D Luxury 2WD V6.
  - 4. The vehicle secured by the Contract has V.I.N. 3GYFNBE30FS558923.

- 5. Movant is the assignee of the Contract.
- 6. The above described vehicle is encumbered by a lien with a payoff in the amount of \$21,553.90 plus other appropriate charges as of August 24, 2021 but subject to change. The regular monthly payment is \$447.20 at an interest rate of 5.47%.
- 7. Applying payments received to the earliest payment due, payments have been missed post-petition, since April 01, 2021 in the amount of \$2,180.40, plus all applicable late charges, interest, attorneys' fees and costs.
  - 8. The Property has a N.A.D.A. Value of \$19,100.00.
  - 9. The vehicle is not necessary to an effective reorganization.
  - 10. The Movant is the only lienholder of record with regard to the vehicle.
- 11. In order to proceed with repossession of the vehicle, relief from the automatic stay must be obtained.
  - 12. Failure to make adequate protection payments is cause for relief from the automatic stay.
  - 13. The Movant has incurred attorney's fees in the filing of this Motion.
  - 14. The vehicle is a rapidly depreciating asset. Movant requests the waiver of Rule 4001(a)(3).

WHEREFORE, Movant prays for your Honorable Court to enter an Order permitting the Movant to proceed with the repossession proceedings of the aforementioned vehicle.

Respectfully submitted, Mester & Schwartz, P.C.

/s/ Jason Brett Schwartz Jason Brett Schwartz, Esquire Attorney for Movant 1917 Brown Street Philadelphia, PA 19130 (267) 909-9036